

From: Boranian, Steven J. <SBoranian@ReedSmith.com>
Sent: Tuesday, February 4, 2020 12:01 PM
To: Kears, Anne; BBogle; Leyimu, Temitope "Tope"; Farrell, Paul; Fuller, Mike; Deyneka, Natalie
Cc: Flahive Wu, Laura; Winner, Sonya; ZZ-Keyes, Andy; ZZ-Salgado, Suzanne; Gary, Brent R.; Porter, Luke S.; Mincer, Jonathan; Callas, Gretchen; Mahady, Joseph J; McClure, Shannon E.
Subject: RE: Huntington/Cabell - Telecon re Document Custodians
Attachments: 02.04.2020 Cabell Huntington Custodian Chart.pdf

[EXTERNAL]

Dear Counsel,

Thank you for last week's conversation regarding document custodians for Cabell County and City of Huntington. Although we have made progress, there remain a number of custodians still under discussion. As we discussed, attached is a chart that lists all document custodians whom defendants have requested along with our best effort to accurately capture the status of our discussions for each. For many, we have noted that defendants have deferred their requests, and for others we have noted they are third parties for whom neither plaintiff has accepted responsibility. If you believe we have made any notation in error, please let us know or amend the chart in a fashion that shows your revisions. If there are party custodians for whom you object to producing custodial files, please note that on the chart. An example of this is prosecutors, which we have already noted.

There are a few additional notes. Where we have identified third-party custodians, please indicated whether you represent any of them so we can avoid unnecessary disputes and, if not, who represents them, if you know. With respect to the Cabell-Huntington Health Department, please confirm that Cabell County will complete custodial productions for the ten files you previously partially produced (as noted in the chart). For the other Cabell-Huntington Health Department custodians, you invited meet and confer, and we have indicated which custodians we have deferred and which we are still seeking. Brandon Bogle said he would look into it; please advise on progress.

There are a number of custodians for whom Cabell or Huntington has already produced documents. It is our understanding from our conference that you will complete custodial production for each custodian from whom either plaintiff has already produced. We also expect that this would be true for all custodians for whom documents have already been produced, whether on the chart or not.

Huntington has taken the position that City Council members' documents are not within the City's custody or control. Please explain this position. For example, do Council members have City email accounts?

Finally, we have noted Cabell's objection to producing documents from the prosecutor's office. The prosecutor documents we requested are highly relevant (including, but not limited to, prosecution memoranda). Unless we hear otherwise promptly, we consider us at an impasse on this issue.

Thank you for your attention to these issues. We look forward to hearing from you.

Steven J. Boranian
sboranian@reedsmith.com
+1 415 659 5980

Reed Smith LLP
101 Second Street

Suite 1800
San Francisco, CA 94105-3659
T: +1 415 543 8700
F: +1 415 391 8269
<https://protect-us.mimecast.com/s/DRsHCpY9Q6inMNOGHDPo6H>
-----Original Message-----

From: Boranian, Steven J.
Sent: Friday, January 31, 2020 4:52 PM
To: 'Kearse, Anne' <akearse@motleyrice.com>
Cc: BBogle <BBogle@levinlaw.com>; Leyimu, Temitope "Tope" <tleyimu@motleyrice.com>; ZZ-Wu, Laura Flahive <lflahivewu@cov.com>; ZZ-Winner, Sonya <swinner@cov.com>; ZZ-Keyes, Andy <akeyes@wc.com>; ZZ-Salgado, Suzanne <ssalgado@wc.com>; Gary, Brent R. <BGary@ReedSmith.com>; Porter, Luke S. <LPorter@reedsmith.com>; ZZ-Mincer, Jonathan <jmincer@cov.com>; Farrell, Paul <Paul@Greeneketchum.com>; Fuller, Mike <mike@mchughfuller.com>; Deyneka, Natalie <nDeyneka@motleyrice.com>
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Thanks Anne. We have the chart prepared and are reviewing it to ensure that it accurately reflects current status. We will forward it when that process is complete.

Steven J. Boranian
sboranian@reedsmith.com
+1 415 659 5980

Reed Smith LLP
101 Second Street
Suite 1800
San Francisco, CA 94105-3659
T: +1 415 543 8700
F: +1 415 391 8269
<https://protect-us.mimecast.com/s/DRsHCpY9Q6inMNOGHDPo6H>

-----Original Message-----
From: Kearse, Anne <akearse@motleyrice.com>
Sent: Friday, January 31, 2020 3:26 PM
To: Boranian, Steven J. <SBoranian@ReedSmith.com>
Cc: BBogle <BBogle@levinlaw.com>; Leyimu, Temitope "Tope" <tleyimu@motleyrice.com>; ZZ-Wu, Laura Flahive <lflahivewu@cov.com>; ZZ-Winner, Sonya <swinner@cov.com>; ZZ-Keyes, Andy <akeyes@wc.com>; ZZ-Salgado, Suzanne <ssalgado@wc.com>; Gary, Brent R. <BGary@ReedSmith.com>; Porter, Luke S. <LPorter@reedsmith.com>; ZZ-Mincer, Jonathan <jmincer@cov.com>; Farrell, Paul <Paul@Greeneketchum.com>; Fuller, Mike <mike@mchughfuller.com>; Deyneka, Natalie <nDeyneka@motleyrice.com>
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EXTERNAL E-MAIL - From akearse@motleyrice.com

Steve, Plaintiffs were expecting to receive defendants proposed custodian chart today as we discussed during our conference call on Wednesday. We would like to finalize any custodial issues as soon as possible. Thanks, Anne

Anne McGinness Kearse
Attorney at Law
Motley Rice LLC
28 Bridgeside Blvd.

Mt. Pleasant, SC 29464
843-216-9140

> On Jan 27, 2020, at 12:25 AM, Boranian, Steven J. <SBoranian@reedsmith.com> wrote:
>
>
> <Huntington_Cabell - Telecon re Document Custodians>

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